

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gunter BAUR et al.

Examiner: Andrew M. Schechter

Serial No.: 08/627,386

Group Art Unit: 2871

Filed: April 4, 1996

Title: ELECTROOPTICAL LIQUID CRYSTAL SWITCHING ELEMENT WITH
SMALL VIEWING ANGLE DEPENDENCE (as amended)

REQUEST FOR WITHDRAWAL OF IMPROPER HOLDING OF ABANDONMENT

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Abandonment was received in this application on April 18, 2008, which notice was dated April 16, 2008. The Notice of Abandonment refers to the mailing of an Office Action on May 15, 2007.

The Notice of Abandonment is improper because the mentioned Office Action was never received by the undersigned law firm. Evidence in this regard is a copy of the front cover of the file which lacks any reference to receipt of an Office Action of such date. In addition, also attached are a redacted copy of the firm's central docket listing for August 15, 2007, on which date an entry would appear corresponding to the mentioned Office Action. As can be seen, there is no such entry for "MERCK-1753-D01", the firm's docket number. Also attached is a copy of the docket page for August 15, 2007 from the legal assistant to the undersigned, in whose docket book secondary docketing of the original due date for the mentioned Office Action would have

occurred. Again, there is no such entry.

Furthermore, on February 22, 2008, the undersigned received a phone call from the Examiner who queried as to whether the undersigned law firm had received any Office Action dated April/May 2007. The undersigned informed the Examiner that there was no evidence of the same. The Examiner stated that it appeared a snafu had occurred and that an Office Action should have been mailed but apparently was erroneously handled as evidence by the fact, according to the Examiner, that the Office Action was not scanned into the PTO's PAIR system.

It is hereby requested that the mentioned Office Action be remailed and a new response period be set.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Anthony J. Zelano/

Anthony J. Zelano, Reg. No. 27,969
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410
Attorney Docket No.: MERCK-1753-D01
Date: April 24, 2008

Events Simple Listing

docket event date 8/15/07

Reminder Date Event Date

Matter ID: LOM-0042

8/15/2007

Matter ID: PET-2144

8/15/2007

Matter ID: PET-2149

8/15/2007

Matter ID: PET-2168

8/15/2007

8/15/2007

Matter ID: SCH-1803-D01

8/15/2007

Matter ID: ATOCM-0216-RE

8/15/2007

8/15/2007

8/15/2007

Matter ID: BAYER-0034-RU

8/15/2007

4/22/2008 5:10:15 PM

Events Simple Listing

docket event date 8/15/07

Reminder Date Event Date

Matter ID: SCH-1522-C01

8/15/2007

Matter ID: SCH-1588

8/15/2007

Matter ID: SCH-1758-A

8/15/2007

Matter ID: SCH-1900-C01

8/15/2007

Matter ID: SCH-2144

8/15/2007

Matter ID: SCH-2188-V01

8/15/2007

8/15/2007

Matter ID: SHINAN-0001-C01

8/15/2007

Matter ID: VET-0004

8/15/2007

4/22/2008 5:10:16 PM

Events Simple Listing

docket event date 8/15/07

Reminder Date Event Date

Matter ID: PET-2106

8/15/2007

Matter ID: PET-2114

8/15/2007

Matter ID: PET-2318

8/15/2007

Matter ID: RDD-0012

8/15/2007

Matter ID: RDD-0013

8/15/2007

Matter ID: SAG-0176

8/15/2007

Matter ID: SCH-1463-RX

8/10/2007

8/15/2007

8/15/2007

4/22/2008 5:10:16 PM

Events Simple Listing

docket event date 8/15/07

Reminder Date Event Date

Matter ID: MERCK-2996-D01

8/15/2007

Matter ID: MERCK-3167

8/15/2007

Matter ID: MERCK-3325

8/15/2007

Matter ID: MERCK-3354

8/15/2007

Matter ID: MERCK-3360

8/15/2007

Matter ID: NFTIN-0017

8/15/2007

Matter ID: OTIS-0115-X

8/15/2007

Matter ID: PARISIFRAN-0007-T

8/15/2007

Matter ID: PEAST-0005-C01

8/15/2007

Matter ID: PECHER-0003

8/15/2007

4/22/2008 5:10:16 PM

Events Simple Listing

docket event date 8/15/07

Reminder Date Event Date

Matter ID: MEMORY-0050-CN

8/15/2007

8/15/2007

Matter ID: MEMORY-0054

8/15/2007

Matter ID: MERCK-1548-D03

8/15/2007

Matter ID: MERCK-2009-C01

8/15/2007

8/15/2007

8/15/2007

Matter ID: MERCK-2555

8/15/2007

Matter ID: MERCK-2613

8/15/2007

Matter ID: MERCK-2640

8/15/2007

8/15/2007

4/22/2008 5:10:16 PM

Events Simple Listing

docket event date 8/15/07

Reminder Date Event Date

Matter ID: LCOLLINS-0012-T

8/15/2007

Matter ID: LINDE-0606

8/15/2007

Matter ID: LINDE-0657

8/15/2007

Matter ID: MARCH-0008

8/15/2007

Matter ID: MATRIX-0002

8/15/2007

Matter ID: MATT-0002-T

8/15/2007

Matter ID: MATT-0003-T

8/15/2007

Matter ID: MEMORY-0004-AU

8/15/2007

Matter ID: MEMORY-0031-EP

8/15/2007

4/22/2008 5:10:15 PM

Events Simple Listing

docket event date 8/15/07

Reminder Date Event Date

Matter ID: IAFG-0013-PH-D01

8/15/2007

Matter ID: JANWD-0004-T

8/15/2007

Matter ID: JS-0052

8/15/2007

Matter ID: KATIM-0001-BR

8/15/2007

8/15/2007

Matter ID: KATIM-0001-CA

8/15/2007

8/15/2007

Matter ID: KATIM-0001-EP

8/15/2007

8/15/2007

Matter ID: KOJIM-0244

8/15/2007

4/22/2008 5:10:15 PM

Events Simple Listing

docket event date 8/15/07

Reminder Date Event Date

Matter ID: EXPERT-0002-T

8/15/2007

Matter ID: FTDIMS-0497-T-SV

8/15/2007

Matter ID: GKSS-0007

8/15/2007

Matter ID: GRUBB-0001-T

8/15/2007

Matter ID: HOMEWRECK-0001-T

8/15/2007

8/15/2007

Matter ID: HTG-0103-EP

8/15/2007

Matter ID: HYDRA-0001-T

8/15/2007

Matter ID: HYDRA-0002-T

8/15/2007

4/22/2008 5:10:15 PM

Events Simple Listing

docket event date 8/15/07

Reminder Date Event Date

Matter ID: BTG-0003-D01

8/15/2007

Matter ID: CAREY-0022-T

8/15/2007

8/15/2007

Matter ID: CAREY-0027

8/15/2007

Matter ID: CARNI-1273-T

8/15/2007

Matter ID: CELLEX-0003-T

8/15/2007

Matter ID: CELLEX-0004-T

8/15/2007

Matter ID: ELLIS-0003

8/15/2007

Matter ID: EMIM-0001-V01

8/15/2007

4/22/2008 5:10:15 PM

Events Simple Listing

docket event date 8/15/07

Reminder Date Event Date
8/15/2007

Matter ID: BAYER-0009-MK
8/15/2007

Matter ID: BAYER-0009-PT
8/15/2007

Matter ID: BAYER-0010-MK
8/15/2007

Matter ID: BAYER-0010-PT
8/15/2007

Matter ID: BAYER-0070-WO
8/15/2007

Matter ID: BIC-1535
8/15/2007

Matter ID: BIC-3068-R01
8/15/2007

Matter ID: BIC-4087
8/15/2007

Matter ID: BRAUN-0003-T
8/15/2007

4/22/2008 5:10:15 PM

Events Simple Listing

docket event date 8/15/07

Reminder Date Event Date

Matter ID: TORRE-0002-T

8/15/2007

Matter ID: ATOCM-0115

8/15/2007

Matter ID: AVANCE-0002

8/15/2007

Matter ID: AVANCE-0002-CA

8/15/2007

Matter ID: AVANCE-0002-CN

8/15/2007

Matter ID: AVANCE-0002-EP

8/15/2007

Matter ID: AVANCE-0002-JP

8/15/2007

Matter ID: AVANCE-0002-WO

8/15/2007

8/15/2007

Matter ID: BASF-0010-D01

4/22/2008 5:10:15 PM

Events Simple Listing

docket event date 8/15/07

Reminder Date Event Date

Matter ID: DALSA-0019

8/15/2007

Matter ID: GULDE-0041

8/15/2007

Matter ID: MAIKO-0020

8/15/2007

Matter ID: MARGI-0039-C01

8/15/2007

Matter ID: MERCK-2943

8/15/2007

Matter ID: MERCK-3008

8/15/2007

Matter ID: MERCK-3036

8/15/2007

Matter ID: MERCK-3042

8/15/2007

8/15/2007

4/22/2008 5:10:15 PM

Events Simple Listing

docket event date 8/15/07

Reminder Date Event Date

Matter ID: VIRO-0030-V01

8/15/2007

8/15/2007

Matter ID: ZENTAR-0001-D01

8/15/2007

4/22/2008 5:10:16 PM

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.

ARLINGTON COURTHOUSE PLAZA 1

ARLINGTON, VIRGINIA

ATTY:

NTOR(S)

AL NO.

FINUING CASE

ADDITIONAL CASE

INT CASE

free

Document Recorded

.Reel

.Frame

OFFICE ACTIONS

PAPERS FILED IN PTO • DATE FILED

Rejection

$$7.18 \pm 0.6$$

.....

12/18/06

DRAWINGS:

SMAL DRAWINGS FILED: APPROVED
AL DRAWINGS FILED: BY

LA DOMESTIC CHEN.

APPROVED

SERIAL NO.

CASE 1

MERCK-1753-D01

INVENTOR(S)

TITLE.

WEDNESDAY

15

AUGUST

w

2007 227th day - 138 days follow

~~2007~~